

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

TRANSFERRING FIRST-CLASS MAIL PARCELS
TO THE COMPETITIVE PRODUCT LIST

Docket No. MC2015-7

NOTICE REGARDING UNITED STATES POSTAL SERVICE REPLY COMMENTS
(January 27, 2015)

This notice seeks to correct an inadvertent omission in the Postal Service's Reply Comments regarding the status of the U.S. Department of Justice report titled "Competition and Monopoly: Single-Firm Conduct Under Section of the Sherman Act"¹ (the "Report"). On May 11, 2009, the U.S. Department of Justice withdrew the Report.² This withdrawal resulted from a decision to revisit issues relating to the application and enforcement of Section 2 of the Sherman Act to exclusionary or predatory conduct.³

In its Reply Comments, however, the Postal Service cites only to the Report's description of the analysis used to determine whether an entity has power so great in a particular market that it constitutes what the law deems to be monopoly power, and does not rely on the Report's conclusions regarding exclusionary or predatory conduct that served as the basis for withdrawal of the report.⁴ Importantly, the Report's description of the monopoly power analysis includes citations to case law, economic testimony, and other supporting materials that are neither questioned nor addressed by

¹ U.S. DEP'T OF JUSTICE, COMPETITION AND MONOPOLY: SINGLE-FIRM CONDUCT UNDER SECTION 2 OF THE SHERMAN ACT, 2008 WL 4606679, at *22 (2008).

² Christine A. Varney, "Vigorous Antitrust Enforcement in This Challenging Era," at 8 (May 11, 2009).

³ See *id.* at 5-14.

⁴ Reply Comments of the United States Postal Service, Docket No. MC2015-7 (January 7, 2015), at 5-9.

the withdrawal, and support the Postal Service's position presented in the Reply Comments.⁵

Thus, this clarification of the status of the Report should have no effect on the Commission's consideration of the Postal Service's position in this docket.

Respectfully submitted,

UNITED STATES POSTAL SERVICE
By its attorneys:

Daniel J. Foucheaux, Jr.
Chief Counsel, Pricing and Product Support

James M. Mecone

475 L'Enfant Plaza, S.W.
Washington, D.C. 20260-1137
(202) 268-6525

⁵ See U.S. DEP'T OF JUSTICE, COMPETITION AND MONOPOLY at 22-30.